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Counsel for Defendant HARTMAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RICHARD HARTMAN,  
  
Defendant.

**Case No.:** CR 20–126 VC

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE STATUS  
HEARING TO OCTOBER 27, 2020,  
FOR A CHANGE OF PLEA  
HEARING AND TO EXCLUDE  
TIME**

Hearing Date: Sept. 22, 2020

The above-captioned matter is set on September 22, 2020, at 10:30 a.m., before this Honorable Court for a status hearing. The parties jointly request that the Court continue this matter to October 27, 2020 for a change of plea hearing and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), between September 22, 2020 and October 27, 2020.

Richard Hartman is charged with the possession of child pornography. He made his initial appearance on February 28, 2020, and the magistrate court ordered him released from custody on March 5, 2020. The government prepared the discovery for production on May 15, 2020, but due to an issue with the delivery, defense counsel did not receive that discovery until June 3, 2020. At an

1 appearance on August 11, 2020, defense counsel informed the Court that the defense was still  
2 reviewing the discovery and needed to conduct an evidence view to confirm the sentencing  
3 guidelines and factual basis in the government's proposed plea offer. Defense counsel conducted an  
4 evidenced view on August 21, 2020, and counsel recently suggested proposed changes to the plea  
5 agreement. In addition, a few weeks after the evidence view, defense counsel requested imageless  
6 digital forensic reports of the devices recovered. Because the parties need additional time to establish  
7 the factual basis for the plea agreement and to verify relevant conduct regarding the images  
8 possessed, the parties respectfully request that the Court continue this case from September 22, 2020  
9 to October 27, 2020. The parties request that the Court set this matter for a change of plea hearing.

10 In addition, the parties stipulate and agree that the ends of justice served by this continuance  
11 outweigh the best interest of the public and the defendant in a speedy trial. The parties further agree  
12 that the failure to grant this continuance would unreasonably deny counsel for Mr. Hartman the  
13 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.  
14 Accordingly, the parties agree that the period of time between September 22, 2020 and October 27,  
15 2020, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
16 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account the  
17 exercise of due diligence.

IT IS SO STIPULATED.

Dated: September 18, 2020

STEVEN G. KALAR  
Federal Public Defender  
Northern District of California

/S/

ANGELA M. HANSEN  
Assistant Federal Public Defender

Dated: September 18, 2020

DAVID L. ANDERSON  
United States Attorney  
Northern District of California

/S/

MOLLY SMOLEN  
Assistant United States Attorney

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UNITED STATES OF AMERICA,

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**[PROPOSED] ORDER TO CONTINUE  
STATUS HEARING TO OCTOBER 27,  
2020 FOR A CHANGE OF PLEA  
HEARING, AND TO EXCLUDE TIME**

Based on the reasons provided in the stipulation of the parties above, and for good cause shown, the Court hereby ORDERS that the status hearing date of September 22, 2020, is vacated and reset for a change of plea hearing on October 27, 2020, at 10:30 a.m.

It is FURTHER ORDERED that the time is excluded, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from September 22, 2020 through October 27, 2020.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE VINCE CHHABRIA  
United States District Judge